

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

AL-RASHAAD R. CRAFT,

Plaintiff,

v.

No. 2:17-cv-00469-NF-KHR

CHAD WRIGHT AND AHMAD WHITE,

Defendants.

DEFENDANTS' MOTION TO TAX COSTS

COME NOW Defendants, by and through their attorneys of record, Atwood, Malone, Turner & Sabin, P.A., by Bryan Evans and Renee Gantert and, pursuant to Fed. R. Civ. P. 54(d)(1), D.N.M. LR -CV 54.1 and Fed. R. App. P. 39(e), hereby move this Court for an order directing the Clerk to tax costs in Defendants' favor, and as grounds therefore states:

1. On February 9, 2021, this Court entered Judgment in favor of all defendants on all claims asserted against them. [Doc. 120]
2. Defendants are the prevailing party and, as such, are entitled to recovery of their costs. Fed. R. Civ. P. 54(d)(1).
3. As required by D.N.M. LR -CV 54.1 and Fed. R. App. P. 39(e), attached hereto and made a part of this motion is an itemized costs bill, with receipts, documenting recoverable costs, accompanied by an affidavit verifying that the costs are allowable by law, correctly stated and necessary to the litigation.

WHEREFORE, premises considered, Defendants respectfully pray that this Court enter an order directing the Clerk to tax costs in Defendants' favor and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

ATWOOD, MALONE, TURNER & SABIN, P.A.

By Electronically Filed on 02/15/21

Bryan Evans

K. Renee Gantert

P.O. Drawer 700

Roswell, NM 88202-0700

(575) 622-6221

Attorneys for Defendants

ITEMIZED COST BILL

Defendants' appellate filing fee, paid to the Tenth Circuit Court of Appeals: \$505.00

Defendants' fee for preparation and transmission of the record: \$120.45

Reporters' charges for the original or a copy of deposition transcripts:

05/10/19	Star Reporting Service (Depositions of Al-Rashaad R. Craft, Chad Wright, Ahmaad White, Tim McEachern, & Michael Thomas)	\$2,517.55
05/29/19	Precise Reporting (Deposition of Brandon Ellis)	\$472.15
07/24/19	Amarillo Court Reporting (Deposition of Randell Robb)	\$634.40
08/14/19	US Legal Support (Deposition of Paul Patterson)	\$1,033.40
10/08/19	Romero Reporting (Deposition of Lana Steven)	\$505.14

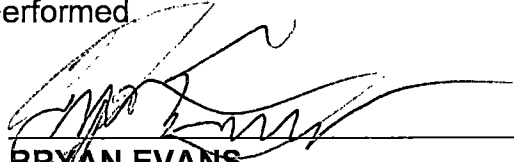
Fees for lay witnesses subpoenaed to deposition:

07/02/19	Lana Steven	\$40.00
07/02/19	Randell Robb	<u>\$40.00</u>

TOTAL **\$5,868.09**

Affidavit

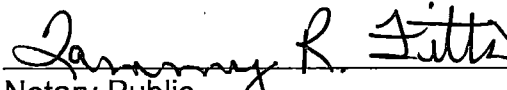
I declare under penalty of perjury that the foregoing costs are allowable by law, correctly stated, necessary to the litigation and that the services for which fees have been charged were actually and necessarily performed.

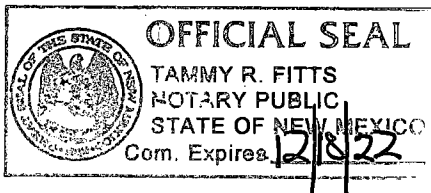

BRYAN EVANS

SUBSCRIBED AND SWORN TO BEFORE ME this 15th day of February, 2021, by
Bryan Evans.

My Commission Expires:

12/18/22


Notary Public



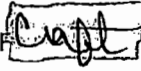
I HEREBY CERTIFY that on February 15, 2021, I filed the foregoing instrument electronically through the CM/ECF system, which caused all parties of record to be served by electronic means, as more fully reflected on the *Notice of Electronic Filing*.

Electronically Filed on 02/15/21

Bryan Evans

Tammy Fitts

From: notification@pay.gov
Sent: Friday, December 20, 2019 3:49 PM
To: Tammy Fitts
Subject: Pay.gov Payment Confirmation: NMD CM ECF



Your payment has been submitted to Pay.gov and the details are below. If you have any questions or you wish to cancel this payment, please contact the CM/ECF Helpdesk at (505) 348-2075.

Application Name: NMD CM ECF
Pay.gov Tracking ID: 26MABI42
Agency Tracking ID: 1084-6867758
Transaction Type: Sale
Transaction Date: Dec 20, 2019 5:48:37 PM

Account Holder Name: Bryan Evans
Transaction Amount: \$505.00
Card Type: Visa
Card Number: *****1572

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

United States District Court
Tenth Circuit

Date: 03/06/2020
Invoice Number: 20200218
Re: 17-CV-469-NDF

To:

Bryan D Evans
Atwood, Malone, Turner & Sabin, PA
PO Drawer 700
Roswell, New Mexico, 88202-0700
Phone: (575) 622-6221
Email: bevans@atwoodmalone.com

Make Checks Payable To:

Monique Kathleen Gentry, RPR, CSR
Official US Court Reporter
EIN / Tax ID: 47-3204841
2120 Capitol Avenue
Suite 2228
Cheyenne, Wyoming, 82001
Phone: (307) 274-4661
Email: mkg.gentry@gmail.com

Case Details:

Case Number: 17-CV-00469-NDF
Case Title: Al-Rashaad R. Craft vs. Chad Wright, Ahmad
White
Case Description: Original transcript of motion for summary
judgment proceedings held November 11, 2019.
Criminal or Civil: Civil

Proceeding Date: Nov 21, 2019
Courthouse: Cheyenne, Wy
Judge Hearing Case: Nancy D. Freudenthal

Transcripts:

Date Ordered: Jan 07, 2020
Date Delivered: Mar 06, 2020
Transcripts Requested By: Bryan Evans

Charges:

Page Type	Page Count	Rate	Sub-Total
Ordinary Original	33	\$3.65	\$120.45

Total: \$120.45

Amount Due: \$120.45

Notes

I, Monique Gentry, certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States

/s/ Monique Gentry

PAID
MAR 11 2020
58278

STAR REPORTING SERVICE LLC

P.O. BOX 65249
ALBUQUERQUE, NM 87193-5249
(505) 449-7589

Invoice

Date	Invoice #
5/10/2019	5032

Bill To
ATWOOD LAW FIRM BRYAN EVANS, ESQ. P.O. DRAWER 700 ROSWELL, NM 88202

Terms	Case Number
Net 30	USDC 2:17-CV-00469-JC...

Item	Description	Pages	Rate	Amount
ORIGINAL & 1 D...	AL-RASHAAD R. CRAFT	263	5.00	1,315.00T
DEPOSITION CO...	CHAD WRIGHT	140	2.50	350.00T
DEPOSITION CO...	AHMAAD WHITE	112	2.50	280.00T
DEPOSITION CO...	TIM MCEACHERN	54	2.50	135.00T
DEPOSITION CO...	MICHAEL THOMAS	66	2.50	165.00T
EXHIBITS	B & W	158	0.50	79.00T
EXHIBITS	COLOR	1	0.50	0.50T
POSTAGE & HA...			10.00	10.00
	Sales Tax		7.875%	183.05

PAID

JUN 05 2019

57124

Thank you for your business.

Total \$2,517.55

The Party agreeing to the production of this deposition or hearing is agreeing to pay the Invoice within 30 days or interest at 25% thereon from date of deposition or hearing, and agrees to pay any and all costs of collection, included, but not limited to attorney fees and costs.

Payments/Credits \$0.00

Balance Due \$2,517.55

Precise Reporting Services
 FED ID 52-2111646 820 A1A North, Suite W14
 Ponte Vedra Beach, FL 32082
 (904) 373-0175
 precisereporting@comcast.net
 www.precisereportingservices.net



Invoice

BILL TO

BRYAN D. EVANS, ESQ.
 Atwood Malone Turner & Sabin P.A.
 400 N. Pennsylvania Ave.
 Suite 100
 Roswell, NM 88201

INVOICE # 17132
 DATE 05/29/2019

TERMS Net 30

CONDUCTED ON
 5/9/2019

STENOGRAPHER
 CW

ACTIVITY

QTY AMOUNT

AL-RASHAAD R. CRAFT vs. CHAD WRIGHT, in his official and individual capacity; and AHMAD WHITE, in his official and individual capacity

No.: 2:17-CV-00469-JCH-SMV

DEPOSITION OF: BRANDON ELLIS

Certified Transcript with Word Index - PDF E-Tran e-mail

119 446.25

Condensed Transcript with Word Index - PDF E-Tran e-mail

1 25.00

Exhibit - PDF E-mail

2 0.90

We appreciate your business!

BALANCE DUE

\$472.15

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 JUN 19 2019

57185

TOP 114
CHECK REQUEST/COPYING CHARGE DATE *7/2/19*
FILE NO. *17-205* ATTY. *KDE*
CLIENT *Travelers*
RE: *Craft v. Wright*
CHECK TO: *Jana Stone* PAID
for deposit, with 57216
JUL 02 2019
SWP - 09/2013 CHECK AMT. \$ *40.00*

TOP 114
CHECK REQUEST/COPYING CHARGE DATE *7/2/19*
FILE NO. *17-205* ATTY. *KDE*
CLIENT *Travelers*
RE: *Craft v. Wright*
CHECK TO: *Randall Stone* PAID
for deposit, with 57215
JUL 02 2019
SWP - 09/2013 CHECK AMT. \$ *40.00*



AMARILLO COURT REPORTING
 600 South Tyler Street, Suite 2100
 Amarillo, TX 79101
 806-374-4091

Confirmation

Job No.	139856	Scheduled Date	7/24/2019 1:47:28 PM
Attn	Janice Hoelting	Attorney	Bryan Evans
Firm	Atwood, Malone, Turner & Sabin 400 N. Pennsylvania Avenue, Suite 1100 Roswell, NM 88201 Phone: 575-622-6221 Fax: 575-5624-2883		

This email is being sent as confirmation of the following scheduled deposition:

Style of Case	Craft vs. Wright, et al.		
Witness(es)	Randell Robb		
Deposition Date	08/07/2019	Time	10:00 AM
Location	Panhandle Court Reporters 112 West 8th Avenue, Suite 725 Amarillo, TX 79101 Phone: Room No.: 1st Flr Conf Rm Detail:		
Services	<u>Service Item</u>	<u>Units</u>	
Remarks			

Late Cancellation Fee may apply if a job is cancelled after the close of business one business day prior to scheduled date.

If we have scheduled an Interpreter, Late Cancellation Fee may apply if a job is cancelled less than 24 hours in advance per interpreting services industry standards.

750⁰⁰ Retainer

PAID

AUG 06 2019

573523

13945

COURT REPORTERS CLEARINGHOUSE, INC.

1225 North Loop West, Suite 327
Houston, TX 77008
713-626-2629

J.P.Morgan

JPMorgan Chase Bank, N.A.
Dallas, Texas

32-61-1110

ETB® Check Fraud
Protection for Business

8/19/2019

PAY TO THE
ORDER OF

Atwood, Malone, Turner & Sabin

\$**115.60

One Hundred Fifteen and 60/100*****

DOLLARS

Atwood, Malone, Turner & Sabin
400 North Pennsylvania Avenue
Suite 1100
Roswell, NM 88201

VOID AFTER 90 DAYS

Alisa Lukasek
AUTHORIZED SIGNATURE

MEMO

refund unused retainer on Craft vs. Wright, et al/ Inv

⑈013945⑈ ⑆111000614⑆ 149906804765⑈

COURT REPORTERS CLEARINGHOUSE, INC.

Atwood, Malone, Turner & Sabin

8/19/2019

13945

refund unused retainer on Craft vs. Wright, et al/ Invo

115.60

Chase - Operating refund unused retainer on Craft vs. Wright, et al/

115.60

COURT REPORTERS CLEARINGHOUSE, INC.

Atwood, Malone, Turner & Sabin

8/19/2019

13945

refund unused retainer on Craft vs. Wright, et al/ Invo

115.60

PAYMENT
RECORD

Chase - Operating refund unused retainer on Craft vs. Wright, et al/

115.60



Court Reporters Clearinghouse

1225 North Loop West, Suite 327
Houston, Texas 77008

713-626-2629
crcnational.com

August 19, 2019

Atwood, Malone, Turner & Sabin
400 North Pennsylvania Ave., Suite 1100
Roswell, NM 88201

Re: Retainer refund on Craft vs Wright, et al

2360/17205

We are issuing you a refund for the unused portion of the retainer we received from your firm in the above referenced matter. Enclosed please find check No. 13945 in the amount of \$115.60. This amount represents the excess funds received from your check No. 57353 dated 08/06/19.

We believe it's important to refund any unused retainers and help serve as responsible stewards of our clients' funds.

Sincerely,

A handwritten signature in cursive script that reads "Alisa Lukasek".

Alisa Lukasek
Accounting

INVOICE

U.S. Legal Support
16825 Northchase Dr.
Suite 800
Houston, TX 77060
Phone:713-653-7100 Fax:713-653-7143

Invoice No.	Invoice Date	Job No.
140079646	8/14/2019	299501
Job Date	Case No.	
7/23/2019	217CV00469JCHSMV	
Case Name		
Al-Rashaad R. Craft v. Chad Wright, et al.		
Payment Terms		
Due upon receipt		

Bryan Evans
Atwood, Malone, Turner & Sabin, P.A.
P.O. Drawer 700
400 North Pennsylvania Avenue
Suite 1100
Roswell, NM 88202

ORIGINAL TRANSCRIPT OF:

Paul Patterson	123.00	Pages	@	5.75	707.25
Hourly	3.25	Hours	@	35.00	113.75
Administrative Fee				65.00	65.00
Exhibit Tabs	15.00		@	0.55	8.25
Exhibit Scanning	53.00		@	0.55	29.15
Lit Support Package				35.00	35.00
Obtain Signature (Read & Sign Fee)				25.00	25.00
Delivery Out-of-State				50.00	50.00

TOTAL DUE >>> \$1,033.40

AFTER 9/28/2019 PAY \$1,188.41

Thank you. We appreciate your business.

Please contact Jewel Nealon @ 469-619-4341 or e-mail jnealon@uslegalsupport.com should you have any billing questions.

PAID

SEP 11 2019

57502

Tax ID: 76-0523238

Phone: 575-622-6221 Fax:575-624-2883

Please detach bottom portion and return with payment.

Bryan Evans
Atwood, Malone, Turner & Sabin, P.A.
P.O. Drawer 700
400 North Pennsylvania Avenue
Suite 1100
Roswell, NM 88202

Invoice No. : 140079646
Invoice Date : 8/14/2019
Total Due : \$1,033.40
AFTER 9/28/2019 PAY \$1,188.41

Remit To: **U.S. Legal Support**
P.O. Box 4772-14
Houston, TX 77210-4772

Job No. : 299501
BU ID : 1-HOU
Case No. : 217CV00469JCHSMV
Case Name : Al-Rashaad R. Craft v. Chad Wright, et al.

ROMERO REPORTING
 Lorena H. Romero
 P.O. Box 50
 Picacho, NM 88343
 EIN 85-0482198

Invoice

DATE
 10/8/2019

INVOICE #
 3252

BILL TO

RENEE GANTERT
 P.O. DRAWER 700
 ROSWELL, NM 88202

<u>DESCRIPTION</u>	<u>PGS</u>	<u>RATE</u>	<u>AMOUNT</u>
CRAFT V. CHAD WRIGHT, et. al. 2:17-CV-00469 JCH-SMV taken 8-13-19			0.00
ORIGINAL & 1 LANA STEVEN	63	4.65	292.95
APPEARANCE FEE	2	25.00	50.00
TRAVEL TO CARLSBAD	180	0.65	117.00
EXHIBITS	34	0.25	8.50

PAID

OCT 8 0 2019

57701

Subtotal	468.45
7.833% Sales Tax	36.69
Total	505.14
Balance Due	505.14

f